



# HANCOCK COUNTY UTILITY AUTHORITY

401 Gulfside Street • Waveland, MS 39576  
Telephone 228-467-3702 • Fax 228-467-6206

## *Monthly Board Meeting February 10, 2015*

*Call to Order* – Meeting was called to order by Chairman Fillingame 4:33 p.m.

### *Attendees*

Mrs. Patricia Cuevas  
Mr. Les Fillingame  
Mr. Joshua DeSalvo  
Mr. Jimmy Lamy  
Mr. Shane LaFontaine  
Mr. Steve Seymour  
Attorney Heather Ladner  
Executive Director David Pitalo  
Engineer Bill Mitchell

### *Absent*

Mr. Charles Johnson

Note: Mr. Joshua DeSalvo is welcomed to the Board and has been properly sworn in and bonded.

*Pledge of Allegiance and Silent Prayer* – Lead by Director Steve Seymour

### *Request to Address the Board*

### *Board Action Items*

Motion made by Director LaFontaine to accept the minutes of the January 13, 2015 Monthly Board Meeting, presented as Exhibit A, Director Cuevas seconded the motion; it was voted on and carried by unanimous vote, with voting as follows:  
Voting YEA: Directors LaFontaine, Cuevas, Fillingame, Lamy, Seymour, DeSalvo  
Voting NAY: None  
Abstaining: None  
Absent: Director Johnson

Motion made by Director Seymour to approve the January 2015 Check Summaries, presented as Exhibit B, Director Lamy seconded the motion; it was Voted on and carried by unanimous vote as follows:

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Voting YEA: Directors LaFontaine, Cuevas, Fillingame, Lamy, Seymour, DeSalvo  
Voting NAY: None  
Abstaining: None  
Absent: Director Johnson

	<u>Expenses</u>	<u>Monthly Budget</u>	<u>Revenues</u>	<u>Difference</u>
O & M Wastewater	\$141,364.20	\$137,907.42	\$186,568.18	\$ 45,203.98
O & M Water	\$ 20,817.98	\$ 21,512.67	\$ 6,405.37	\$ -14,412.61
Land Acquisition	\$ 9,413.43			
CDBG Projects	\$354,911.97			

Motion made by Director Seymour to approve the CDBG Request for Cash, presented as Exhibit Item C, in the amount of \$61,295.23; Director Lamy seconded the motion; it was voted on and carried by unanimous vote, with  
Voting as follows:

Voting YEA: Directors LaFontaine, Cuevas, Fillingame, Lamy, Seymour, DeSalvo  
Voting NAY: None  
Abstaining: None  
Absent: Director Johnson

Motion made by Director Cuevas to approve the Consent Agenda as presented consisting of Exhibit Items D, E, F, & G, Director Seymour seconded the motion; it was voted on and carried by unanimous vote, with voting as follows:

Voting YEA: Directors LaFontaine, Cuevas, Fillingame, Lamy, Seymour, DeSalvo  
Voting NAY: None  
Abstaining: None  
Absent: Director Johnson

- EXHIBIT D - Approval of Pay Request No. 33 to the MS.R. 771-2 Kiln Sewer Connection project in the amount of \$54,140.65 (\$565.50 for BMA, \$8,552.70 for AGR and \$45,022.45 for Jay Bearden Construction) , contingent upon approval by MS Department of Marine Resources and the Board Attorney Ladner. This pay request covers professional service fees and construction cost for the Kiln Sewer Connection project.
- EXHIBIT E - Approval and acceptance of the certificate of substantial completion for the W8- Bayside Water System Phase 3 as part of the construction contract with Hudson Contracting, Inc. as of January 26, 2015, contingent upon approval from MDEQ and board attorney Ladner. This date will start the one-year warranty for this portion of the project.
- EXHIBIT F - Approval of change order No. 4 to the W8- Bayside Water System Phase 3 and W4 & S4 Pearlinton Connection Completion project construction contract with Hudson Contracting, Inc. in the deductive amount of \$7,226.20,

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contingent upon approval from MDEQ and board attorney Ladner. This change order finalizes quantities used during the W8 portion of this contract.

- EXHIBIT G – Approval Pay Application #5 from The Creel Company in the amount of \$49,114.68, this is the final payment for the chlorination project.

### *Executive Director*

Proposed changes to Septage Receiving Policy – motion was made by Director Fillingame to accept the Septage Receiving Policy presented by Executive Director Pitalo Exhibit H, with a recommendation to have Board Attorney Ladner research State Regulations to keep the County Policy in check accordingly, Director Seymour seconded the motion; it was voted on and carried by unanimous vote, with voting as follows:

Voting YEA: Directors LaFontaine, Cuevas, Fillingame, Lamy, Seymour, DeSalvo

Voting NAY: None

Abstaining: None

Absent: Director Johnson

Executive Director Pitalo presented to the Board the transfer of \$5,000 from Over/Under funds to Water Service – Segment 7, Motion was made by Director Lamy to approve the transfer with discussion on participation by all entities buying water to avoid using Over/Under funds to subsidize Water Service – Segment 7, Director Seymour seconded the motion and it carried, with a unanimous vote, with voting as follows:

Voting YEA: Directors LaFontaine, Cuevas, Fillingame, Lamy, Seymour, DeSalvo

Voting NAY: None

Abstaining: None

Absent: Director Johnson

Water capacity assessment MSDOH – Not a Board action Item

Update on Chlorination project – Not a Board action Item

Update on Bar Screen project – Not a Board Action Item

Status update on remaining CDBG Projects – Not a Board Action Item

Over/Under Discussion - Executive Director Pitalo asked HCUA Comptroller Jody Fountain to discuss the budget in detail for Over/Under and billing for each entity, other options were suggested by the board to make the process easier to understand, Comptroller Fountain offered his services at any time to answer any questions that may arise, board members stated that time was needed to present and discuss with each board before any decision is made. Executive Director Pitalo stated he would be in touch with all entities to get the payment process moving forward.

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## *New Business*

### *Old Business*

Update on Water Service participation

02/10/2015 – Lengthy discussion on Water Service participation with Mayor Fillingame stating that he would like to schedule a workshop after Mardi Gras with the City of Bay St. Louis Council to discuss the options available for the City to accept water services. Motion was made by Director Seymour that an Executive Session was not necessary to discuss the Land Acquisition – CE9109 – Babineau, Board Attorney Ladner recommended that an amendment was needed on the Babineau Land acquisition as it was inadvertently left off the December list and needed to be approved to move forward and complete this transaction, Director Cuevas seconded the motion; it was voted and carried by unanimous vote, with voting as follows:

Voting YEA: Directors LaFontaine, Cuevas, Fillingame, Lamy, Seymour, DeSalvo

Voting NAY: None

Abstaining: None

Absent: Director Johnson

*Closed Session, determined not needed*

*Executive Session, determined not needed*

### *Adjourn or Recess*

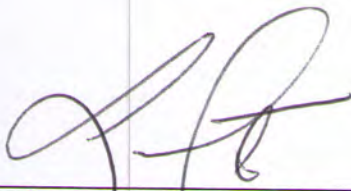
Motion was made by Chairman Fillingame to adjourn the meeting at 6:00 p.m., Director Seymour seconded the motion, and it was voted on and carried by unanimous vote, with voting as follows:

Voting YEA: Directors LaFontaine, Cuevas, Fillingame, Lamy, Seymour, DeSalvo

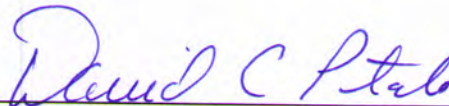
Voting NAY: None

Abstaining: None

Absent: Director Johnson



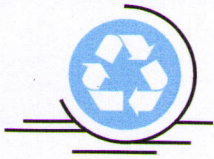
*Chairman/Vice-Chairman*



*Executive Director*

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# HANCOCK COUNTY UTILITY AUTHORITY

401 Gulfside Street • Waveland, MS 39576  
Telephone 228-467-3702 • Fax 228-467-6206 • E-mail: hcua@bellsouth.net

## *Special Board Meeting February 24, 2015*

Call to Order - Meeting called to order by Chairman Les Fillingame at 5:07 p.m.

### *Attendees:*

Les Fillingame  
James Lamy  
Shane LaFontaine  
Josh DeSalvo  
Shane Finley – DWSD – Not Bonded  
Attorney Heather Ladner  
Executive Director David Pitalo

### *Absent:*

Patricia Cuevas  
Steve Seymour  
Charles Johnson

### *Pledge of Allegiance and Silent Prayer*

### *Request to Address the Board*

### *Board Approval Items*

Motion made by Director DeSalvo to approve repairs to the driveway entrance to the Southern Regional WWTP with a recommendation by Board Attorney Ladner to approve the lowest bid or not to exceed \$25,000. Executive Director Pitalo reassured the Board the he would keep cost low and will have a cost update at the next scheduled board meeting in March. Director Lafontaine seconded the motion; it was voted on and carried with a unanimous vote, with voting as follows:

Voting YEA: Directors LaFontaine, Fillingame, Lamy, DeSalvo

Voting NAY: None

Abstaining: None

Nonvoting: Shane Finley

Absent: Directors Johnson, Cuevas, Seymour

*Special Board Meeting – February 24, 2015*



Board Attorney Ladner asked to address the board on the issue of Director Patricia Cuevas from the Kiln Utility and Fire District not being the Chairman of said board, State Legislation requires the Director representing the Kiln must be the Chairman of the Kiln Utility and Fire District. Motion made by Director Lamy to authorize sending a letter to the Kiln Utility and Fire District to request the Chairman of its board to serve as a HCUA Director. Director DeSalvo seconded the motion; it was voted on and carried with a unanimous vote, with voting as follows:

Voting YEA: Directors LaFontaine, Fillingame, Lamy, DeSalvo

Voting NAY: None

Abstaining: None

Nonvoting: Shane Finley

Absent: Directors Johnson, Cuevas, Seymour

Motion was made by Director DeSalvo to adopt a Resolution and have Board Attorney Ladner request legislature of the state of MS to either amend the MS Code or enact certain local and private legislation pertaining to the appointment of the HCUA board of directors. Director Lamy second the motion; it was voted and carried with a unanimous vote, with voting as follows:

Voting YEA: Directors LaFontaine, Fillingame, Lamy, DeSalvo

Voting NAY: None

Abstaining: None

Nonvoting: Shane Finley

Absent: Directors Johnson, Cuevas, Seymour

### Adjourn or Recess

Motion was made by Director Lamy to adjourn the meeting at 5:30 p.m. Director DeSalvo seconded the motion; it was voted on and carried with a unanimous vote, with voting as follows:

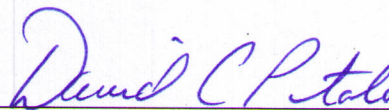
Voting YEA: Directors LaFontaine, Fillingame, Lamy, DeSalvo

Voting NAY: None

Abstaining: None

Nonvoting: Shane Finley

Absent: Directors Johnson, Cuevas, Seymour

  
\_\_\_\_\_  
Chairman/Vice Chairman  
\_\_\_\_\_  
Executive Director



# BUTLER | SNOW

February 25, 2015

Mr. Mike Haas  
Haas & Haas  
201 North Second Street  
Bay Saint Louis, MS 39520

Re: Kiln Utility and Fire District HCUA Appointment

Dear Mr. Haas:

It has recently come to the attention of the Hancock County Utility Authority ("HCUA") that the appointment by the Kiln Utility and Fire District (the "Kiln") of a Director to serve on the HCUA Board of Directors is not in accordance with Mississippi law. According to Miss. Code. Sect. 4-17-737, the Director from the Kiln must be the Chairman of the Kiln Utility and Fire District. The law does not allow for any deviation.

As you are aware, the Kiln has appointed Ms. Patricia Cuevas to serve on the HCUA Board. Unfortunately, Ms. Cuevas is not the Chairman of the Kiln Board and therefore is not the proper candidate to serve on the HCUA Board. HCUA requests that the Kiln resolve this issue immediately. Ms. Cuevas will not be considered a member of the HCUA Board and will not be able to vote at HCUA meetings until this issue is resolved.

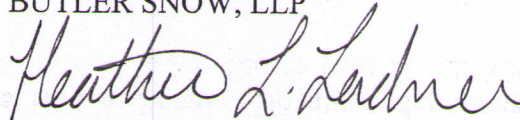
HCUA appreciates the role that Ms. Cuevas has played on its Board and would love nothing more than to maintain her on the HCUA Board. However, the concern over the legalities of her appointment leaves HCUA with no other choice than to ask Ms. Cuevas to resign effective immediately.

Attached is a Resolution passed by the HCUA Board that supports the Mississippi Legislature taking action to amend the statute to allow for any member of the Kiln Board, or the other Districts for that matter, to sit on the HCUA Board. HCUA will be happy to assist the Kiln in any way feasible to encourage our local legislature to make this much needed change in the law.

On behalf of the HCUA Board, I appreciate the efforts of the Kiln to promptly resolve this issue. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

BUTLER SNOW, LLP



Heather L. Ladner

cc: HCUA Board of Directors  
Kiln Board of Directors  
Mr. David Pitale

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Gulfport, MS 39502

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1300 25th Avenue  
Gulfport, MS 39501



**THERE CAME** on for Consideration by the Hancock County Utility Authority the matter of requesting the Mississippi Legislature to either amend current legislation or enact local and private legislation as it relates to the appointment of the Hancock County Utility Authority Board of Directors. After full consideration of the matter, Director Josh DeSalvo offered and moved the adoption of the following resolution:

**RESOLUTION OF THE HANCOCK COUNTY UTILITY AUTHORITY REQUESTING  
THE LEGISLATURE OF THE STATE OF MISSISSIPPI TO EITHER AMEND  
SECTION 49-17-737 OR ENACT CERTAIN LOCAL AND PRIVATE  
LEGISLATION PERTAINING TO THE APPOINTMENT OF THE  
HANCOCK COUNTY UTILITY AUTHORITY BOARD OF DIRECTORS**

**WHEREAS**, the Hancock County Utility Authority (the "Authority") was created pursuant to Mississippi Code Section 19-17-735 for the planning, acquisition, construction, maintenance, operation and coordination of water, wastewater and storm water systems in order to ensure the delivery of water, wastewater and storm water services to citizens residing within the boundaries of Hancock County; and

**WHEREAS**, the Board of Directors of the Authority is established pursuant to Mississippi Code Section 19-17-737, which states in part that one director is the Chairman of the Diamondhead Water and Sewer District, one director is the Chairman of the Kiln Utility and Fire District, one director is the Chairman of the Hancock County Water and Sewer District, and one director is the Chairman of the Pearlington Water and Sewer District; and

**WHEREAS**, the Authority recognizes that the Chairmen of the above mentioned Districts may not always be available to serve as a Director of the Authority; and

**WHEREAS**, it would be to the advantage of the Authority if any member of these Districts' boards could serve as a Director of the Authority; and

**WHEREAS**, either an amendment to Section 19-17-737 or local and private legislation is needed to allow an individual other than the Chairmen of these Districts to serve on the Authority's Board of Directors.

**NOW THEREFORE, BE IT RESOLVED** by the Authority that the Legislators representing Hancock County are hereby requested to introduce, and the Legislature of the State of Mississippi is hereby requested to amend Section 19-17-737 or enact local and private legislation authorizing the change in the individuals allowed to serve on the Hancock County Utility Authority.

Director James Lamy seconded the Motion to adopt the above and foregoing Resolution, whereas the question was put to a vote with the following results:

Director Patricia Cuevas	absent
Director Joshua DeSalvo	voted: aye
Director Les Fillingame	voted: aye



Director Shane Lafontaine  
Director James Lamy  
Director Steve Seymour

voted: aye  
voted: aye  
absent

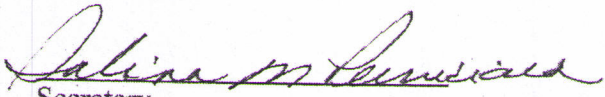
The majority of the Directors present having voted in the affirmative, the Motion was declared carried, and the Resolution adopted on this the 24th day of February, 2015.

**STATE OF MISSISSIPPI**

**COUNTY OF HANCOCK**

**CERTIFICATE**

I, Salina Perniciaro, Secretary of the Hancock County Utility Authority, do hereby certify that the above and foregoing is a true and correct copy of a Resolution passed by the Hancock County Utility Authority and entered on the 26<sup>th</sup> day of February, 2015, as fully as of record in Bay St. Louis, Mississippi.

  
Secretary  
Hancock County Utility Authority